

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NETJUMPER SOFTWARE, L.L.C.,
a Michigan limited liability corporation,

Plaintiff,

vs.

GOOGLE INC.,
a Delaware corporation,

Defendant.

Case No. 04-70366-CV
Hon. Julian Abele Cook
Magistrate Judge R. Steven Whalen

LAW OFFICES
SOMMERS SCHWARTZ, P.C.
2000 TOWN CENTER • SUITE 900 • SOUTHFIELD, MICHIGAN 48075 • (248) 355-0300

PLAINTIFF'S F.R.C.P. 26(a)(3)(A) PRETRIAL DISCLOSURES

1. Pursuant to F.R.C.P. 26(a)(3)(A)(i):

Plaintiff will call the following NetJumper witnesses at trial:

1. Gilbert Borman
2. Anup Mathur (live or by deposition)
3. John Piscitello (Google 30(b)(6) witness) (live or by deposition)
4. Garry Kitchen (expert)
5. Phillip Green (expert)

The address and telephone numbers of each have previously been provided.

Plaintiff may call the following witnesses at trial:

1. Rajat Bhatnagar (live or by deposition)
2. Hubert Pan (Google 30(b)(6) witness) (live or by deposition)
3. Alexander Pau (Google 30(b)(6) witness) (live or by deposition)
4. Steve Schimmel (live or by deposition)
5. Breen Hagan (Google 30(b)(6) witness) (live or by deposition)
6. Jeff Schardell (Google Rule 30(b)(6) witness)

2. Pursuant to F.R.C.P. 26(a)(3)(A)(ii):

Plaintiff designates the following deposition designations:

1. Hubert Pan

<u>From</u>	<u>To</u>
p. 6, l. 11	p. 7, l. 15
p. 7, l. 21	p. 8, l. 1
p. 8, l. 23	p. 11, l. 6
p. 12, l. 13	p. 21, l. 15
p. 29, l. 16	p. 31, l. 21
p. 33, l. 4	p. 46, l. 20
p. 47, l. 17	p. 60, l. 12
p. 61, l. 19	p. 70, l. 18

2. John Piscitello

<u>From</u>	<u>To</u>
p. 5, l. 5	p. 57, l. 25
p. 58, l. 9	p. 91, p. 23
p. 92, l. 22	p. 102, l. 4
p. 103, l. 23	p. 112, l. 20

3. Alexander Pau

<u>From</u>	<u>To</u>
p. 5, l. 10	p. 55, l. 2

LAW OFFICES
SOMMERS SCHWARTZ, P.C.
2000 TOWN CENTER • SUITE 900 • SOUTHFIELD, MICHIGAN 48075 • (248) 355-0300

4. Breen Hagan

<u>From</u>	<u>To</u>
p. 3, l. 20	p. 4, l. 12
p. 6, l. 7	p. 8, l. 10
p. 19, l. 13-18	
p. 19 l. 25	p. 20, l. 14
p. 22, l. 22	p. 23, l. 4
p.23, l. 17	p. 28, l. 13
p. 29, l. 7	p. 31, l. 18
p.32, l. 18	p. 34, l. 21
p. 45, l.1-22	
p. 47, l. 6	p. 71, l. 23
p. 121, l. 11	p. 126, l. 4
p. 128, l. 1	p. 128, l. 8

5. Jeff Schardell

<u>From</u>	<u>To</u>
p. 6, l. 15	p. 16, l. 18
p. 17, l. 9	p. 23, l. 11
p. 25, l. 22	p. 26, l. 2
p. 27, l. 16	p. 28, l. 8
p. 29, l. 1	p. 31, p. 6
p. 32, l. 20	p. 33, l. 8
p. 34, l. 12	p. 35, l. 19
p. 41, l. 9	p. 45, l. 3
p. 46, l. 1	p. 71, l. 2
p. 72, l. 19	p. 77, l. 14
p. 79, l. 11	p. 90, l. 23
p. 92, l. 7	p. 93, l. 24
p. 95, l. 16	p. 103, l. 3

6. Anup Mathur

<u>From</u>	<u>To</u>
p. 7, l. 2	p. 7, l. 12
p. 8, l. 25	p. 13, l. 17
p. 14, l. 5	p. 15, l. 3
p. 16, l. 25	p. 17, l. 7
p. 17, l. 10	p. 19, l. 17
p. 20, l. 15	p. 20, l. 23
p. 27, l. 3	p. 29, l. 2
p. 30, l. 8	p. 31, l. 21
p. 32, l. 12	p. 38, l. 21
p. 40, l. 21	p. 41, l. 23

p. 42, l. 14	p. 47, l. 21
p. 49, l. 3	p. 51, l. 16
p. 52, l. 20	p. 57, l. 5
p. 59, l. 11	p. 62, l. 17
p. 66, l. 23	p. 68, l. 18
p. 69, l. 16	p. 70, l. 9
p. 70, l. 13	p. 74, l. 24
p. 81, l. 1	p. 83, l. 3
p. 100, l. 1	p. 103, l. 16
p. 114, l. 8	p. 117, l. 17
p. 118, l. 6	p. 118, l. 15
p. 125, l. 8	p. 126, l. 12
p. 129, l. 14	p. 132, l. 4
p. 146, l. 19	p. 161, l. 3
p. 162, l. 16	p. 164, l. 24
p. 165, l. 7	p. 168, l. 2

7. Rajat Bhanagar

<u>From</u>	<u>To</u>
p. 4-3	p.4-13
p. 6-8	p. 6-17
p. 13-11	p. 6-17
p. 15-4	p. 15-13
p. 15-24	p. 16-5
p. 17-7	p. 18-7
p.20-4	p. 20-24
p. 23-11	p. 23-17
p. 24-15	p. 27-6
p. 42-14	p. 43-13
p. 43-17	p. 44-11
p. 45-6	p. 47-4
p. 47-12	p. 50-19
p. 60-3	p. 61-6
p. 66-24	p. 69-9
p. 73-3	p. 74-20
p.77-6	p. 78-5

8. Steven Schimmel

<u>From</u>	<u>To</u>
p. 5-6	p. 5-11
p. 6-11	p. 7-16
p. 8-5	p. 8-25
p. 10-20	p. 12-6
p.12-18	p. 13-11

p. 14-1 p. 14-24
p. 18-9 p. 20-1
p. 22-24 p. 23-25

Plaintiff incorporates all exhibits referenced in these designations as potential trial exhibits to the extent these have not been identified below in Section 3.

3. Pursuant to F.R.C.P. 26(a)(3)(A)(iii):

Plaintiff will use the following exhibits in its case: PX 1 - PX 37, PX 54 – PX 59. If necessary, Plaintiff will offer if need arises: PX 41-PX 55, PX 58-PX59. Plaintiff will offer various deominstratives.

EXHIBIT	DESCRIPTION
PX 1	US 5, 890, '172 Patent and File History (G000073-310) ('172 Patent at G000075-98)
PX 2	Garry Kitchen Expert Report on Infringement
PX 3	Garry Kitchen Expert Report on Invalidity (incorporating Bernard Galler Report) (Rebuttal)
PX 4	Deposition Exhibit No. 1 (G73-310)
PX 5	Deposition Exhibit No. 3 (HCL Bates Nos. 12-14)
PX 6	Deposition Exhibit No. 4 (NetJumper Bates No. 746-751)
PX 7	Deposition Exhibit No. 5 (NetJumper Bates No. 899-905)
PX 8	Deposition Exhibit No. 19 (Not bate-stamped; obtained from Anup Mathur's Deposition dated 3/15/05)
PX 9	Deposition Exhibit No. 30 (G73-1250)
PX 10	Deposition Exhibit No. 44 (HCL Bates Nos. 040-046)

PX 11	Deposition Exhibit No. 47 (NetJumper Bates No. 1156)
PX 12	Deposition Exhibit No. 65 (NetJumper Bates Nos. 1901-1904)
PX 13	Deposition Exhibit No. 66 (NetJumper Bates Nos. 1885-1890)
PX 14	Deposition Exhibit No. 67 (NetJumper Bates Nos. 1911-1947)
PX 15	Deposition Exhibit No. 86 (NetJumper Bates Nos. 921-923)
PX 16	Deposition Exhibit No. 100 (G2594-2599)
PX 17	Deposition Exhibit No. 109 (G4618-4631)
PX 18	Deposition Exhibit No. 110 (G5355-5380)
PX 19	Deposition Exhibit No. 111 (G5381-5385)
PX 20	Deposition Exhibit No. 112 (G5386-5389)
PX 21	Deposition Exhibit No. 113 (G4926-4934)
PX 22	Deposition Exhibit No. 115 (Not bate stamped; obtained from Alexander Pau's Deposition dated 11/9/05)
PX 23	Deposition Exhibit No. 116 (Not bate stamped; obtained from Alexander Pau's Deposition dated 11/9/05)
PX 24	Deposition Exhibit No. 116.1 (Not bate stamped; obtained from Alexander Pau's Deposition dated 11/9/05)
PX 25	Deposition Exhibit No. 121 (Not bate stamped; obtained from Google's 30(b)(6) Deposition dated 2/23/06)
PX 26	Deposition Exhibit No. 122 (G5470-5555)
PX 27	Deposition Exhibit No. 123 (G5556-5568)
PX 28	Deposition Exhibit No. 124 (G5569-5596)
PX 29	Deposition Exhibit No. 125 (G5597-5631)
PX 30	Deposition Exhibit No. 126 (G5632-5637)
PX 31	Deposition Exhibit No. 127 (G5355-5380)

PX 32	Deposition Exhibit No. 128 (no bates stamp, marked at Piscitello Deposition dated June 2, 2006)
PX 33	Deposition Exhibit No. 129 (G5762-5773)
PX 34	Deposition Exhibit No. 130 (G5774-5798)
PX 35	Deposition Exhibit No. 131 (5799-5842)
PX 36	Deposition Exhibit No. 132 (G5843-5873)
PX 37	Deposition Exhibit No. 133 (G5756-5761)
PX 41	NetJumper Bates No. 502
PX 42	NetJumper Bates No. 504
PX 43	NetJumper Bates No. 505
PX 44	NetJumper Bates No. 506
PX 45	NetJumper Bates No. 530
PX 46	G1325-1365
PX 47	G15981
PX 48	G4585-4586
PX 49	G4587-4588
PX 50	Deposition Exhibit 38 (Schimmel) (G4112-4152)
PX 51	G4639-4658
PX 52	G13317
PX 53	G13318
PX 54	Three licensing agreements not produced because of third-party objection (see July 21, 2005 letter from Julie Wheeler to Nabeel Hamameh)
PX 55	Google's Answers to Interrogatories

PX 56	Demonstrative Exhibits associated with Garry Kitchen testimony
PX 57	Demonstrative Exhibits associated with Phillip Green testimony
PX 58	Deposition Exhibit 6 (HCL 063-73)
PX 59	Deposition Exhibit 7 (HCL 052-56)

Respectfully submitted,

Andrew Kochanowski (P55117)
SOMMERS SCHWARTZ, P.C.
 Attorneys for Plaintiff
 2000 Town Center Drive, Suite 900
 Southfield, MI 48075
 (248) 355-0300
 akochanowski@sommerspc.com

Dated: June 23, 2008

PROOF OF SERVICE

I certify that on 6-23-08, I electronically filed the forgoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Kathleen A. Lang; klang@dickinsonwright.com
 L. Pahl Zinn; pzinn@dickinsonwright.com
 Jason W. Wolff; wolff@fr.com
 Michael H. Baniak; baniak@mbhb.com

s/Andrew Kochanowski (P55117)
 Sommers Schwartz, PC
 2000 Town Center, Suite 900
 Southfield, MI 48075
 (248) 355-0300
 akochanowski@sommerspc.com